

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 BARREN MAR THUNA, )

Case No. 2:17-cv-02475-APG-CWH

5 Plaintiff, )

6 v. )

7 CLARK COUNTY CLERK OF COURTS, )

**REPORT & RECOMMENDATION**

8 Defendant. )  
9 \_\_\_\_\_ )

10 On September 22, 2017, incarcerated pro se Plaintiff Barren Mar Thuna filed a complaint  
11 (ECF No. 1-1) without either completing a motion to proceed *in forma pauperis* or paying the filing  
12 fee. The Court then issued an order (ECF No. 3) on September 26, 2017 requiring that Plaintiff  
13 either pay the filing fee in full or file a completed application to proceed *in forma pauperis*. No  
14 further filing has been made in this case.

15 Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil  
16 action in federal district court. The court may authorize the commencement of an action “without  
17 prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable  
18 to pay such costs or give security therefore.” 28 U.S.C. § 1915(a). In the Court’s previous order  
19 (ECF No. 3), Plaintiff was notified that failure to either pay the filing fee or submit an application to  
20 proceed *in forma pauperis* would result in a recommendation of dismissal of this action. More than  
21 thirty days have elapsed since the Court’s order and Plaintiff has not made any further filing.

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1 **RECOMMENDATION**

2 **IT IS HEREBY RECOMMENDED** that Plaintiff's case be dismissed without prejudice.

3 **NOTICE**

4 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in  
5 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held  
6 that the courts of appeal may determine that an appeal has been waived due to the failure to file  
7 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also  
8 held that (1) failure to file objections within the specified time and (2) failure to properly address and  
9 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
10 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
11 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

12 DATED: October 30, 2017

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15 C.W. Hoffman, Jr.  
16 United States Magistrate Judge  
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